



Attorney Docket No. PC6835E
Application No. 09/820,158

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By

(Signature of person mailing)

Erica L. Smith

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Cameron et al.

Examiner: Alton Nathaniel Pryor

Application No.: 09/820,158

Art Unit: 1616

Filing Date: March 28, 2001

Title: Estrogen Agonists/Antagonists for Preventing Breast Cancer

Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE

This is a response to the Official Action dated November 4, 2002. A petition for an extension of time, an information disclosure statement, and an executed terminal disclaimer are being submitted with this Response.

Remarks

35 U.S.C. § 112, First Paragraph

Claims 1-4 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly not being enabled for the prevention of breast cancer. Attached herewith is a publication, Cohen et al., LAS, a Novel Selective Estrogen Receptor Modulator with Chemopreventive and Therapeutic Activity in the N-Nitroso-N-methylurea-induced Rat Mammary Tumor Model, *Cancer Research*, 61, 8683-8688, December 15, 2001, that shows that a compound of the present invention, LAS¹, can be used to prevent breast cancer. The publication also discusses that tamoxifen, another selective estrogen receptor modulator, can be used to prevent breast cancer. Because the publication that shows that compounds of the present invention can be used to prevent breast cancer, Applicants respectfully request withdrawal of this rejection.

¹ LAS is (-)-cis-6-phenyl-5-[4-(2-pyrrolidin-1-yl-ethoxy)-phenyl]-5,6,7,8-tetrahydro-naphthalen-2-ol.

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MAR 06 2003
PATENT & TRADEMARK OFFICE

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small status. See 37 CFR 1.27

Total Amount of Payment (\$110.00)

Complete if Known

Application Number 09/820,158
Filing Date March 28, 2001
First Named Inventor Kimberly O. Cameron
Examiner Name Alton Nathaniel Pryor
Art Unit 1616
Attorney Docket No. PC8835E

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit
Account
Number

16-1445

Deposit
Account
Name

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	-20**=	X	=
Independent Claims	-3**=	X	=
Multiple Dependent			=

** or number previously paid, if greater; For Reissues, see below

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	84	2201	42	Independent claims in excess of 3
1203	280	2203	140	Multiple dependent claim, if not paid
1204	84	2204	42	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late fee or oath	
1052	50	2052	25	Surcharge-late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1801	750	2801	375	Request for Continued Examination (RCE)	
1806	180	1806	180	Submission of Information Disclosure Statement	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
Other Fee (specify)				Terminal Disclaimer to Obviate a Double Patenting Rejection Over a Prior Patent (37 CFR 1.20(d))	110.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110.00

SUBMITTED BY

Name (Printed/Type) Todd M. Crissey
Signature

Date

3/3/2003

Complete (if Applicable)

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